

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSSETTS

FILED  
CLERK'S OFFICE

2007 OCT 25 A 9: 33

UNITED STATES OF AMERICA,  
Plaintiff-Respondent,

U.S. DISTRICT COURT  
DISTRICT OF MASS.

Crim No. : 04CR 30046-003

(MAP)

V.

ANTHONY MATOS,

Civ No.:

Defendant-Petitioner:

MOTION TO THE CLERK

COMES NOW the petitioner Anthony Matos, in the above entitled action, hereby moves the Clerk of this Court, pursuant to Rule 47 of the Federal Rules of Criminal P. and the Rules governing proceeding under section 2255, of Title 28, for imminent attention to the reach of the appropriate FORMS needed for the purpose of filing the action purportedly due to be filed in this court. Although, petitioner had moved the court for a forty five days extension, already believed granted by the court. Thus, in tolling the applicable statutory limitation promulgated under section 2255 1 year statutory mandate, and in an effort, unconditionally willing to adhere to the petition, the clerk of this court must furnish the petitioner a sets of blank FORMS for section 2255.

The alleged FORMS could not be accessed from this location, rather than inappropriate FORMS used by other inmates, petitioner wishes to perfect his petition, avoiding any defect. Therefore, the period this FORMS

is sought herein and the time it would take to in part of the court to mail the FORMS and the time it would be within the reach of the petitioner must be tolled along with the original motion for extension. It is respectfully submitted that the end of justice so require the court to furnish 'the requested FORMS, as soon as possible.'

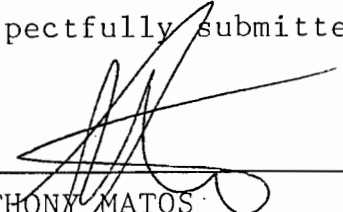
Moreover, petitioner Anthony Matos, has an absolute Constitutional right to file this action in pro se. See Faretta v. California, 95 S.Ct. 2525 (1975) and 28 U.S.C. Section 1654. Accordingly, it is intolerable that one Constitutional right should have to be surrendered in order to assert another. See also Simmons v. United States, 88 S. Ct. 967(1968).

WHEREFORE petitioner prays the clerk of this court honors his request and mail the alleged FORMS immediately, and toll the mailing period.

Submitted under penalty of perjury to be true and correct. 28 U.S.C. Section 1746.

Dated 10/22, 2007.

Respectfully submitted,



ANTHONY MATOS  
No. 90827-038  
U.S. P. Canaan  
P.O. Box 300  
Waymart, PA 18472

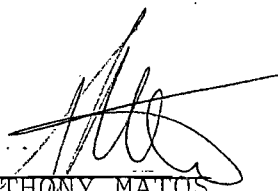
CERTIFICATE OF SERVICE

This certifies that this Day 10/22, October 2007, a true and correct copy of the petitioner's Motion to the Clerk, for a blank forms under Title 28 U.S.C. Section 2255, and a request for tolling the mailing period is served upon the following party:

Diane Freniere  
Assist. U.S. Attorney  
Chief, White Collar Crime Section  
U.S. Attorney's Office  
District of Massachussetts  
1550 Main Street, Suite 310  
Springfield, Massachussetts 01103

Submitted under 28 U.S.C. Section 1746.

Dated 10/22, 2007.



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